

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 082368-007400US
INTERNATIONAL APPLICATION NO. PCT/JP2004/011741	INTERNATIONAL FILING DATE August 10, 2004	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/573522
TITLE OF INVENTION METHOD OF DIAGNOSING BREAST CANCER		PRIORITY DATE CLAIMED September 24, 2003
APPLICANT(S) FOR DO/EO/US Yusuke NAKAMURA; Toyomasa KATAGIRI; and Shuichi NAKATSURU		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825.</p> <p>18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/573522		INTERNATIONAL APPLICATION NO. PCT/JP2004/011741	ATTORNEY'S DOCKET NUMBER 082368-007400US																																																																																								
20. Other items or information: Express Mail Label No.: EV 566969876 US; Paper copy of the Sequence Listing; copy of the publication of the International Application (WO 2005/029067 A2/A3); and copy of the International Search Report.																																																																																											
<table border="1"> <tr> <td colspan="2">The following fees have been submitted</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td colspan="2">21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300</td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td colspan="2">22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td colspan="2">23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500</td> <td>\$ 400.00</td> <td></td> </tr> <tr> <td colspan="2">TOTAL OF 21, 22 and 23 =</td> <td>\$ 900.00</td> <td></td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</td> <td></td> <td></td> </tr> <tr> <td>Total Sheets</td> <td>Extra Sheets</td> <td>Number of each additional 50 or fraction thereof (round up to a whole number)</td> <td>RATE</td> </tr> <tr> <td>120 - 100 =</td> <td>20/50 =</td> <td>1</td> <td>x \$250</td> </tr> <tr> <td colspan="2">Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).</td> <td>\$</td> <td></td> </tr> <tr> <td colspan="2">CLAIMS</td> <td>NUMBER FILED</td> <td>NUMBER EXTRA</td> </tr> <tr> <td colspan="2">Total claims</td> <td>- 20 =</td> <td>x \$ 50</td> </tr> <tr> <td colspan="2">Independent claims</td> <td>- 3 =</td> <td>x \$200</td> </tr> <tr> <td colspan="2">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td></td> <td>+ \$360</td> </tr> <tr> <td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td> </tr> <tr> <td colspan="4"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.</td> </tr> <tr> <td colspan="4">SUBTOTAL = \$ 1150.00</td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$</td> </tr> <tr> <td colspan="4">TOTAL NATIONAL FEE = \$ 1150.00</td> </tr> <tr> <td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$</td> </tr> <tr> <td colspan="4">TOTAL FEES ENCLOSED = \$ 1150.00</td> </tr> <tr> <td colspan="2" style="text-align: center;">/</td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="2" style="text-align: center;">/</td> <td>Amount to be charged:</td> <td>\$ 1150.00</td> </tr> </table>				The following fees have been submitted		CALCULATIONS	PTO USE ONLY	21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$ 300.00		22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200		\$ 200.00		23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$ 400.00		TOTAL OF 21, 22 and 23 =		\$ 900.00		<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	120 - 100 =	20/50 =	1	x \$250	Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$		CLAIMS		NUMBER FILED	NUMBER EXTRA	Total claims		- 20 =	x \$ 50	Independent claims		- 3 =	x \$200	MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	TOTAL OF ABOVE CALCULATIONS =				<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				SUBTOTAL = \$ 1150.00				Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$				TOTAL NATIONAL FEE = \$ 1150.00				Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$				TOTAL FEES ENCLOSED = \$ 1150.00				/		Amount to be refunded:	\$	/		Amount to be charged:	\$ 1150.00
The following fees have been submitted		CALCULATIONS	PTO USE ONLY																																																																																								
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		\$ 300.00																																																																																									
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations \$200		\$ 200.00																																																																																									
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$ 400.00																																																																																									
TOTAL OF 21, 22 and 23 =		\$ 900.00																																																																																									
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																																																																											
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE																																																																																								
120 - 100 =	20/50 =	1	x \$250																																																																																								
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$																																																																																									
CLAIMS		NUMBER FILED	NUMBER EXTRA																																																																																								
Total claims		- 20 =	x \$ 50																																																																																								
Independent claims		- 3 =	x \$200																																																																																								
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360																																																																																								
TOTAL OF ABOVE CALCULATIONS =																																																																																											
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.																																																																																											
SUBTOTAL = \$ 1150.00																																																																																											
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). + \$																																																																																											
TOTAL NATIONAL FEE = \$ 1150.00																																																																																											
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property + \$																																																																																											
TOTAL FEES ENCLOSED = \$ 1150.00																																																																																											
/		Amount to be refunded:	\$																																																																																								
/		Amount to be charged:	\$ 1150.00																																																																																								

IAP6 Rec'd PCT/PTO 23 MAR 2006

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 20-1430 in the amount of \$ 1150.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. **The Commissioner is NOT authorized to charge any additional fees** which may be required, or credit any overpayment to Deposit Account No. 20-1430. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Kevin Bastian
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834



SIGNATURE

Kevin Bastian
NAME

34.774
REGISTRATION NUMBER

60731868 v1